

**IN THE UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF OKLAHOMA**

KIMBERLY D. SUMMERS,)
vs.)
MICHAEL J. ASTRUE, Commissioner)
of the Social Security Administration,)
Defendant.)

Plaintiff,)
vs.)
NO. CIV-10-0311-HE

ORDER

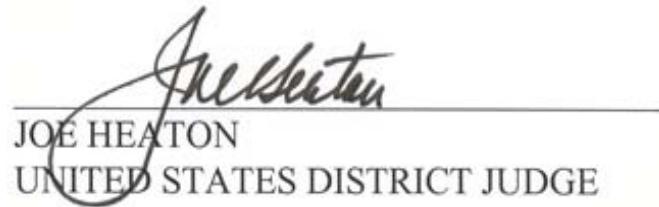
Plaintiff Kimberly D. Summers filed this case seeking judicial review of the final decision of the Commissioner of the Social Security Administration (“Commissioner”) denying her supplemental security income benefits. Consistent with 28 U.S.C. § 636(b)(1)(B), the case was referred to Magistrate Judge Valerie K. Couch, who recommends that the Commissioner’s decision be reversed and the matter remanded for further proceedings. The magistrate judge found the administrative law judge (“ALJ”) committed error when the ALJ did not present the vocational expert with a hypothetical question including all of plaintiff’s impairments during the ALJ’s step-five analysis. Report and Recommendation [Doc. # 16].

The parties, having failed to object to the Report and Recommendation, waived their right to appellate review of the factual and legal issues it addressed. United States v. One Parcel of Real Property, 73 F.3d 1057, 1059-60 (10th Cir. 1996). *See* 28 U.S.C. § 636(b)(1)©; LCvR72.1(a). Accordingly, the court adopts Magistrate Judge Couch’s Report and Recommendation, **REVERSES** the final decision of the Commissioner and **REMANDS**

the case for further proceedings consistent with the Report and Recommendation, a copy of which is attached to this order.

IT IS SO ORDERED.

Dated this 21st day of March, 2011.



Joe Heaton
JOE HEATON
UNITED STATES DISTRICT JUDGE

A handwritten signature of "Joe Heaton" is written over a solid horizontal line. Below the line, the name "JOE HEATON" is printed in capital letters, followed by "UNITED STATES DISTRICT JUDGE" also in capital letters.